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BASE CLOSURES

HEARING

BEFORE THE

SUBCOMMITTEE ON
MILITARY CONSTRUCTION

OF THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

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BASE CLOSURES

THURSDAY, MAY 2, 1985

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY CONSTRUCTION,
Washington, DC.

The subcommittee met in open session, pursuant to notice, at 3:09 p.m., in room SR-222, Russell Senate Office Building, Senator Strom Thurmond (chairman) presiding.

Present: Senators Thurmond, Gramm, Hart, Levin, and Bingaman.

Staff present: Alan I. Chvotkin, counsel; Robert E. Bayer, George K. Johnson, Jr., Ronald P. Kelly, and Russel E. Milnes, professional staff members; and Marie F. Dickinson, staff assistant.

Also present: Romie L. Brownlee, assistant to Senator Warner, Edward McGaffigan, Jr., assistant to Senator Bingaman, and Charles C. Smith, assistant to Senator Dixon.

OPENING STATEMENT BY SENATOR STROM THURMOND, CHAIRMAN

Senator THURMOND. The subcommittee will come to order.

Today, we are here to conduct hearings on proposed legislation to authorize the Secretary of Defense to close or realign any military installation if he determines such action is in the public interest.

In this session we will be hearing from Hon. Lawrence J. Korb, the Assistant Secretary of Defense for Manpower, Installations and Logistics. Before we begin, let me make some brief remarks.

The Senate Armed Services Committee supports the need for strengthening our defense. The hundreds of military installations around the world are critical elements in this defense. However, it costs billions of dollars to operate and maintain these installations.

The committee believes that significant savings can be made from closing nonessential bases.

In prior years, the closing of bases has been an extremely difficult and painful task. The legislative process was cumbersome and invited interference from the Congress.

The proposed legislation will streamline the base closure process and permit the Secretary of Defense to move expeditiously in closing nonessential bases.

Before we hear from Dr. Korb, Senator Bingaman, do you have a statement?

Senator BINGAMAN. Mr. Chairman, I don't. I am looking forward to the testimony. Thank you.

Senator THURMOND. Mr. Korb, we are glad to have you with us. You may proceed.

STATEMENT OF LAWRENCE J. KORB, ASSISTANT SECRETARY OF DEFENSE (MANPOWER, INSTALLATIONS AND LOGISTICS), OFFICE OF THE SECRETARY OF DEFENSE

Mr. KORB. Thank you very much, Mr. Chairman.

I have a statement which I would like to submit for the record.

Senator THURMOND. Without objection, your entire statement will be put in the record.

Mr. KORB. Let me make a few remarks summarizing the highlights of that statement.

I should like to point out that the Department of Defense always tries to give the most defense for the least amount of money. One of the ways we attempt to do this is through consolidations and closures within our base structure. We strive to keep our base structure aligned with the force structure.

Since the end of the involvement in Vietnam, I think the Department has done well in this area. In the 1970's about 500 bases or activities were closed and we continue to make closures, albeit at a much lower rate.

For example, recently we notified the Congress that we intended to close Arlington Hall in Northern Virginia. But I do believe that we can do more. It is no secret that some major installations were not closed in the seventies because of political concerns and that problem is still with us today.

Therefore, we support in the strongest possible terms the legislation that is before the Congress.

Now, the key laws that affect realignments and closures are two: The so-called NEPA and title 10 of the United States Code, section 2687. Both of these laws, however, present impediments, both technical and political. Let me talk about the technical.

The NEPA requires an environmental assessment, sometimes an environmental impact statement, and this can take over 1 year to complete.

Title 10, section 2687 of the United States Code basically says that if we are cutting more than about 150 civilians from a particular installation, we must give the Congress an estimate of the fiscal, local economic, budgetary, environmental, strategic and operational consequences of that decision even if, in fact, the NEPA does not require an environmental impact statement.

Now, in addition to the technical impediments, we have some political constraints that enter into the process. During the NEPA process we are subject to local court challenges.

At Rickenbacker Air Force Base in Columbus, OH, because of local court challenges during the NEPA process, the actual closure was delayed about 6 years. When title 10 applies Congress can direct hearings and introduce prohibitive legislation. This, for example, has prevented the closure of Fort Sheridan, the study of which was announced in April 1978.

During the authorization and appropriation process Congress can and does direct environmental studies when none is required, as in the cases of New Cumberland Army Depot and Fort Indiantown

Gap, PA. These studies can cost from $100,000 to over $1 million and can consume an additional year.

They can and do deny design funds. For example, the Department tried to consolidate the Intelligence Command at Fort Meade so that they could close Vint Hill Farms, but the design funds were denied. Vint Hill Farms Station remains open.

They can disapprove construction funds or direct an alternate use study, as they did in the case of Fort Douglas which was announced for closure some 6 years ago and is still open. They can direct a 1-year delay which they have done in successive years for the New Cumberland Army Depot, or they can introduce legislation to prevent realignment as they did in the case of Loring Air Force Base in Maine.

Therefore, we need the proposed legislation. Without it, any closure proposals that the Department might come up with will remain vulnerable to parochial interests, will take longer to amortize, will continue to be vulnerable to the vagaries of the budget process, and most importantly, will be upsetting to local communities because of the uncertainties involved.

I can't emphasize this too much. If we announce our intention and nothing happens, we have the worst of all possible worlds. We don't save any money and we get a lot of people upset needlessly.

Now, as you know, on March 5 of this year, Secretary Weinberger and Senator Goldwater said that there would be no closures in fiscal 1986 because of the one-time cost. The cost estimate for about 20 bases was $2.5 billion.

The Secretary has also said that a substantial closure list would be prepared if the expediting legislation we are discussing here today is passed and if the necessary funds were added to the budget to close these bases.

Now, before closing, I would like to comment on one other issue that is before the Congress, and that is the elimination by the Senate Armed Services Committee of the military construction projects at our illustrative bases. It is important to keep in mind that these funds are needed for essential operations, and that if these operations do not occur at the illustrative bases, they will occur someplace else.

For example, take the B–1 facilities at McConnell. The B–1's need a base when they come off the production line, so it is especially imperative that McConnell's funds be restored to the budget.

I think that these cuts provide an example of why closures make less sense without expediting legislation, because as it stands now, it would be very difficult for us to close those national bases in any reasonable amount of time, and yet we have to continue to support their existing weapon systems.

If the legislation should pass, the Department and the Secretary are committed to submit a closure list and a request for funds in the 1987 budget to execute those closures.

In closing, I should like to remind the subcommittee of the speech that President Reagan made on April 24 of this year in which he observed that the present budgetary situation requires that we all make painful choices, including base closures.

I should like to mention to the subcommittee and the Congress that the Department is ready to work toward sensible closures in a timely, objective, and thoughtful fashion.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Korb follows:]

PREPARED STATEMENT OF DR. LAWRENCE J. KORB, ASSISTANT SECRETARY OF DEFENSE (MANPOWER, INSTALLATIONS AND LOGISTICS), OFFICE OF THE SECRETARY OF DEFENSE

Thank you Mr. Chairman. It is a pleasure to appear here today to discuss the Defense Department's base realignment program.

Within the Department we continually review the status of our installations, activities, and properties to ensure we have an effective and efficient base structure. A major source of economies in Defense continues to be reducing expenditures associated with maintaining and operating military installations. To achieve these reductions, we strive to identify and remove from the inventory bases that do not contribute effectively to current and long-range Defense plans.

Previous actions to close and consolidate bases have produced a reasonably efficient and responsible base structure. During the 1970s when the size of the force was decreasing, approximately 500 installations and activities were closed. And the effort continues. For example, on February 28, 1985, the Army announced the results of a realignment study that involves actions at Fort Leonard Wood, Fort Belvoir, Fort Meade, and the eventual closing of Arlington Hall, Virginia.

But this is not to say we can't do more. There are some bases that were identified for closure during the 1970s that we didn't close. Our principal obstacle was politics. And there are some bases today that can be closed—some, for example, whose operations can be efficiently consolidated at another location or whose missions can be absorbed by existing capacity. As in earlier periods, however, politics can be expected to influence the outcome.

That is why the Department supports the base closure legislation now pending before the Senate that would remove the politics and Congressional impediments from base closures.

The legal requirements currently affecting base realignments and closures are mainly those of the National Environmental Policy Act (NEPA) of 1969 and Title 10 USC, Section 2687. The impediments stemming from these laws are of two types. First, the laws themselves impose notification and analysis requirements that introduce delay. For example, compliance with the environmental assessment, impact analysis, and other requirements of NEPA usually consumes a minimum of five to eight months and, in actions involving major installations, frequently more than a year. Also, when a proposed basing action would reduce civilian personnel authorizations by more than 1,000, or more than 50 percent where there are at least 300 such authorizations, 10 USC 2687 requires a detailed justification that includes estimates of the fiscal, local economic, budgetary, environmental, strategic and operational consequences of the proposed action. This requirement prevails even when a NEPA environmental assessment results in a finding of no significant impact.

Second, there are the delays and costs that result from intrusions into the process by those whose interests are disaffected. For example, throughout the NEPA process, communities and individual citizens can delay implementation of a basing decision through legal action (Rickenbacker AFB). When 10 USC 2687 applies, Congress can further slow the process by calling hearings and introducting legislation prohibiting certain actions. This sometimes results in the Military Departments delaying basing decisions (Fort Sheridan study announced April 1978; no decision yet). During the authorization/appropriation process, Congress can direct an environmental study when none is required by NEPA (New Cumberland Army Depot, Fort Indiantown Gap). These special studies and analyses range in cost from $100,000 to over $1 million each and involve delays of at least one year. Further, design funds can be denied (Intelligence Command consolidation at Fort Meade and the Vint Hill Farms Station closure), and construction projects can be disapproved (Fort Douglas). Congress can direct that a study be undertaken to identify alternate uses for an installation considered for realignment or closure (Fort Douglas). And Congress can direct a one-year delay in implementation (New Cumberland Army Depot) or introduce legislation to prevent realignment of a base (Loring AFB).

It is because of these types of impediments to expeditious basing actions that the Defense Department supports the legislation passed by the Senate Armed Services Committee. I appreciate your efforts to help. If such legislation should fail, however, base closures would make less sense and be much less attractive economically for

three reasons: they could easily be blocked by parochial interests, they would take too long to accomplish and pay back their costs, and they would be easy targets for budget cuts that would keep the Department from getting the modern facilities it needs. Also, proposing base closure we cannot accomplish alarms our employees and galvanizes local opposition. As you know all too well, any base closure is viewed by people who live and work at or near the affected installation as unjust and unjustifiable. Enormous pressures are brought to bear on you and us to keep the base open.

On March 5, 1985 Secretary Weinberger and Senator Goldwater jointly announced that the Defense Department had decided not to recommend closures in the 1986 budget because of the large one-time cost, estimated to be $2.5 billion for about 20 bases. Secretary Weinberger also said, however, that the Department would prepare a substantial base closure list if two conditions were met: if legislation accelerating base closures were passed, and if the necessary funds were added to the Defense budget. While having expediting legislation is certainly important, based realignments and closures cannot be undertaken without the money to implement them.

The missions performed at our installations are essential. Therefore, when a base is identified for closure, plans must be made to move its mission to another location. There, we must construct facilities to accommodate the transplanted operations and associated people and equipment. Military construction is normally required because most installations cannot absorb new missions without additional operational facilities and community support. If we move aircraft, we must have runway, taxiway and apron space; maintenance facilities, training space, and more housing, larger medical facilities, and expanded commissaries and exchanges. Therefore, we cannot close bases unless we are willing to pay the price of providing our people the quality working and living areas they need to get the job done at the new sites. A decision to do one is a commitment to do both. And that price, which includes the cost of military construction, must be paid before people and equipment can be moved.

While I realize the focus of this hearing is on our legislative requirements for base closures, I'd like to mention briefly one other matter regarding military construction funds, and that concerns the Committee's decision to cut the funds for construction projects at the installations on the illustrative list. The missions these projects were intended to support must be carried out. For example, if money for B-1 facilities at McConnell Air Force Base is not restored, we will have planes coming off the production line, but no place to fly them from. Such cuts illustrate why base closures make less sense in the absence of new legislation.

If Congress passes the expediting legislation, the Department will submit with the FY 87 budget a list of base closures and a request for the investment funds needed to make the long-range economics possible.

President Reagan, is his budget speech on April 24th, used base closures as an example of one of the painful choices the Nation must make in the interest of all the people and in opposition to powerful special interests seeking selfish gains. To this end, the Department is prepared to work with you to achieve sensible base closures in a timely and objective fashion.

This concludes my formal statement. Thank you for your interest and attention. I will be pleased to respond to your questions.

Senator THURMOND. Dr. Korb, the subcommittee understands that the current legal requirements present serious impediments to base closures.

Would you care to make any remarks on that?

Mr. KORB. Yes, I would, Mr. Chairman.

In my prepared statement I described some of the impediments that stem from compliance with NEPA and title 10 of the United States Code. These laws impose notification and analysis requirements that introduce delay.

NEPA's environmental assessment, impact analysis and other requirements can take more than 1 year to satisfy and when title 10 applies, which it usually does, considerable time and money must be expended to provide estimates of the fiscal, local economic, budgetary, environmental, strategic, and operational consequences of proposed actions.

As I noted, this requirement can prevail if title 10 applies even when the NEPA environmental assessment results in a finding of no significant impact.

Also, extended delays and costs can result from public and congressional involvement in these processes. Delays can occur because of court cases, congressional hearings, legislation prohibiting certain actions, congressionally-directed environmental studies, denial of design and construction funds; and congressionally-mandated alternate use studies, delays in implementation and prohibitions against closure.

Senator THURMOND. You gave some instances of attempts to close bases which took 6 years.

Mr. KORB. That is correct, sir.

Senator THURMOND. And still they are not closed?

Mr. KORB. That is correct.

Senator THURMOND. What are the major milestones?

Mr. KORB. First, the military department conducts a review of its basing requirement.

Next they do a feasibility study to develop candidates for closure and then notify the Congress of the preferred alternatives, conduct the environmental assessment and, if a finding of significant impact is made, prepare an environmental impact statement.

Then there's filing of the draft EIS with the Environmental Protection Agency, if applicable; and then congressional and public notification and, if needed, public hearings.

A final environmental impact statement, if applicable, must be filed with the Environmental Protection Agency, and Congress and the public must again be notified.

For a significant closure, that is when an environmental impact statement is required, we must obtain Service Secretary approval of the final decision, then congressional and public notifications and, if applicable, compliance with 10 USC 2687. Then after 60 days of congressional review, there's implementation of the closure plan with appropriate notifications.

After that, there are the design and construction of the facilities at the new location, the relocation of the mission, people and equipment, and then finally the base closure.

Senator THURMOND. It is much easier to open a new base than to close one; isn't it?

Mr. KORB. Very definitely, sir.

Senator THURMOND. If our Nation doesn't need some of these bases, it would seem to be a waste of the public's money to retain them; would it not?

Mr. KORB. That is correct.

Senator THURMOND. So, who gains by this? If the base is not needed and you cannot close it under present law, then the public loses, the taxpayers lose?

Mr. KORB. Yes, sir.

Senator THURMOND. They are required to pay for a base that we don't need?

Mr. KORB. That is correct. In the long term everybody loses, even the communities that fight it and think that they are gaining some temporary advantage. For example, we have taken a look at this situation through our Office of Economic Adjustment, which works

through the President's Economic Adjustment Committee, and have found that between 1961 and 1981, about 124,000 new jobs were added in 94 localities where less than 90,000 jobs had actually been lost through changes in defense employment.

So, in effect, even in terms of jobs over the long run, the community usually makes out better.

Senator THURMOND. I am sure that is not the case everywhere. The air base in Greenville, SC, was closed. As a consequence, they had a lot of beautiful land available and it attracted industry. I understand they are much better off now than they were before.

Mr. KORB. That is correct. As you pointed out, sir, in most cases that is generally true.

Senator THURMOND. Do you have any questions?

Senator BINGAMAN. I have some.

Mr. Secretary, let me ask a couple questions here before we have to run and vote.

This is my second year on this subcommittee. Have you proposed any base closures to this subcommittee in the time I have been here?

Mr. KORB. No major closures. Now, we have routine announcements; such as the one I mentioned concerning Arlington Hall, from which the Army stated they were going to relocate some facilities. But we have not proposed any major base closures because the relatively major bases whose closures were proposed in 1978 are still open. We are still trying to clean that matter up.

Senator BINGAMAN. So, the impetus or at least the reason for your strong support for the proposal that we are considering today is the problem you had with the base closures you recommended in 1978; is that accurate?

Mr. KORB. That is correct.

Senator BINGAMAN. I am concerned, I guess, a little bit about the procedure by which your suppport for this is brought to our attention.

When you testified before us in the beginning of our hearing process in the subcommittee, I was here and I don't remember anything in your testimony requesting that we address this problem of too much bureaucratic or congressional hassle of the Defense Department in closing bases.

Is that an accurate portrayal of your testimony?

Mr. KORB. In my prepared statement I did not refer to that because there were no questions raised about that. However, when I testified before your colleagues in the House, that subject was raised and I did make reference to the problems that we are addressing here today.

Senator THURMOND. We have a vote on the matter of cutting defense or at least reducing it to zero growth increase. This is a matter of interest to all of us. So, we will have to stop and go vote. We will be back as soon as we can.

Mr. KORB. Yes.

[Recess.]

Senator BINGAMAN [presiding]. Mr. Secretary, we got word from Senator Thurmond to go ahead with the hearing. He will be here shortly. So, I will just have a few more minutes of questions and

then we will go to the questions of the other members of the subcommittee have.

I was inquiring about the reasons why the Defense Department did not propose to us some changes in this area in your testimony earlier this year or in your submission to this subcommittee, if this were considered a serious problem.

Mr. KORB. As I mentioned earlier in my testimony, since we were trying to defend what was viewed by some as a comparatively large increase in the construction budget, and since it was a joint hearing before the Appropriations and Authorizations Committees, we did not touch on every issue.

Secretary Weinberger has mentioned it in his testimony. And in the list of legislative impediments which we send up to the Congress each year, we routinely refer to the current legislation.

Senator BINGAMAN. Let me ask for your interpretation of the amendment. I have it here in front of me.

My understanding of it is that it basically grants to the Secretary authority in any year when we are not having a balanced budget—I think that is a fairly common practice—it grants to the Secretary during any 24-month period following the submission of the budget authority to close or realign any military installation without regard to any other provision of law.

Is that your understanding?

Mr. KORB. That is correct. I should like to emphasize, as I did in my statement, that we will not do anything that is environmentally unsound. We still have to conform to all the applicable laws there.

What the legislation means, for example, is that we will not have people invoking title 10 of the United States Code or the Congress conducting hearings or directing us to perform alternate-use studies for certain bases, or having communities initiating court challenges to environmental assessments we have preformed.

Senator BINGAMAN. Let me ask, under the language of this bill if it is made law, what would you see as the role of the Congress in writing authorizing legislation on military construction? What would be the effect of the law?

Mr. KORB. As I understand the law, we would explain to the Congress why we were making the decision. Congress would have 60 days to agree or disagree with the reason.

In effect, this would allow us, in most cases, actually to close a base within a year after we included this in our legislative package, rather than waiting, as we do now, for an average of 3 to 5 years, or sometimes, as I mentioned in my testimony, forever.

Senator BINGAMAN. Let me try to use an example to be more specific on it.

If we pass a military construction authorization bill this year, which grants so much money to a particular base for construction of one kind or another and in, say, the middle of November if the Secretary were to determine that he, after the military construction bill became law on November 15, were to determine that he did not want to spend it where we had told him to and, in fact, he wanted to close that base, he would have to notify us and give us 60 calendar days from November 15 during which we could pass another law if we object.

That would be the way it would work?

Mr. KORB. Yes. Obviously if he didn't want to spend money which had been authorized and appropriated, I believe he would have to come up with a recission.

Senator BINGAMAN. Let me ask about that.

Why would he have to come up with a recission?

Mr. KORB. Since he would not be spending money that had been passed by the Congress, he would have to tell you that he was not spending the money.

Senator BINGAMAN. Now, it talks about realigning also, as I understand it. I don't know what that means exactly.

I am just wondering what happens if there is an inconsistency between what we direct the Secretary to do in military construction and what he in fact wants to do.

This statute grants him the authority to do what he wants to do. Am I wrong?

Mr. KORB. The way I see it, this statute would prevent the situations I described from recurring.

For example, in the case of Loring Air Force Base, you actually wrote legislation that said not to close it, and you denied design funds that would have permitted moving an activity from, and then closing, Vint Hill Farms, and you have directed alternate-use studies, as in the case of Fort Douglas.

The legislation is intended to overcome these sorts of actions. However, you could still do those sorts of things because you would have the 60-day notification period.

Senator BINGAMAN. But you don't read the language then as granting to the Secretary the authority to contradict what the Congress tells him to do in the authorizing legislation?

Mr. KORB. No, sir, I do not. I am not a lawyer. I would have to make sure when the legislation is passed that we all agreed on the interpretation.

My intention, when my office working with our General Counsel drew up this legislation, essentially was to preclude our being held up for years by court challenges once we had made a basing decision.

In other words, within 60 days we would determine whether we would do it or not, and then we could get on with it.

Senator BINGAMAN. I have sympathy for the specific concerns that you are discussing in your testimony about court challenges holding up unnecessarily and for long periods the progress you want to make.

I am just concerned that the language of this is fairly broad.

Mr. KORB. Yes, sir, it is.

Senator BINGAMAN. Perhaps we are granting to the Secretary here some far-reaching authority which in fact would permit the Secretary to do whatever he wanted with regard to expenditure of military construction funds regardless of what the Congress said.

Mr. KORB. One provision in the law says that he could use other funds already authorized in the construction budget to close bases.

Our intention when we drew up this legislation was to put the money we would need for closures into the budget. In other words, if this law were in effect prior to the submission of the 1986 budget, and we determined that we wanted to close a certain number of

bases, and we knew the cost of doing that, then we would put that amount in our construction budget and identify this as the money we need.

However, you are correct in the sense that if this law should be passed, it would allow the Secretary to use construction funds from someplace else if he felt it was necessary, provided you did not act within the 60 days to prevent such action.

Senator BINGAMAN. So, if you requested us to build a new dining hall at Fort Dix and we decided that was not needed and we didn't put the money in there for it and passed the authorization bill and then the Secretary decided he still thought he needed the dining hall at Fort Dix, he could go ahead and build it?

Mr. KORB. No, sir; we are talking about using the money to close bases.

Senator BINGAMAN. What about realigning?

It says here he can realign any military installation.

Mr. KORB. What that means is that you would not actually close an entire base, but you might move certain of its functions or missions someplace else.

Senator BINGAMAN. I have been handed a current statute that defines realignment. It says it—

> Includes any action which both reduces and relocates functions and civilian personnel positions, but does not include a reduction in force resulting from workload adjustments,

et cetera.

Is that the definition you are applying?

Mr. KORB. That is essentially what it would mean. You would take a function performed at base X and move it to base Y. At the same time base X would remain open doing other things.

Senator BINGAMAN. Let me take a different example.

Say you wanted to have the McConnell Air Base used for bedding down a bunch of B–1's and we didn't think that was the right thing to do and we didn't give you the money to do it, we knocked that out of the bill.

You could go ahead and do it?

Mr. KORB. No, sir; what we are talking about is using the funds to transfer a particular activity, such as the one we have on the so-called illustrative list from New Cumberland. In this case we would not close New Cumberland, but would take a particular mission that is performed there and have it done someplace else.

Senator BINGAMAN. I have some other questions, but I think I am running over. We don't have a time limit, but I think in fairness, I will stop here and let Senator Gramm ask questions and then Senator Levin.

Senator Gramm?

Senator GRAMM. Let me first thank the subcommittee for allowing me to be here since I am not a member of the subcommittee, although I am a member of the full committee and author of the provision that I know your testimony is about, base closings in general, but it has turned into a discussion of this provision.

I would like to get you to summarize again, a thumbnail sketch, what the experience of the military in the post-World War II period has been with base closings.

Mr. KORB. Prior to 1977, when the law was modified to give Congress more input into the closure process, closures would be announced, there would be certain concerns expressed by the people most directly affected, and then, by and large, they would be carried out. For example, in 1973 when the Defense Department announced a major closing of bases, it was actually able to carry out most of them.

Since 1977 the legislation has become much more restrictive. The bottom line is that you have lengthened the time it takes to close bases. You cannot just close a base. Now you actually have to notify the Congress, and, in effect, the public, of your intention to close an installation, and then perform a very detailed analysis. That analysis is vulnerable to court challenges since, in fact, you have made it public. Then if you satisfy all of those concerns, Congress can direct hearings on the action and, in effect, delay it even more or almost indefinitely, as in the case of New Cumberland for which they keep directing a 1-year delay.

What we are trying to do, in a sense, is repeal what happened in 1977, which was an outgrowth of what happened in the fiscal 1975 Defense budget. At that time, the Congress actually passed a law which said you could not close a base without getting an affirmative vote from both Houses of Congress. President Ford vetoed that law.

Then President Carter signed the current legislation which is the functional equivalent of giving Congress a veto.

Senator GRAMM. I would like to make a statement and see if you basically agree or disagree with it.

Under current law any Congressman or Senator who is ingenious and hard-working can prevent a military base from being closed in his district or his State?

Mr. KORB. For all practical purposes, that is correct.

Senator GRAMM. Since it is always going to be unpopular to close bases in an area where they are closed, the result is that any Congressman or Senator who is the least bit ingenious or hard-working can prevent that from happening?

Mr. KORB. That is correct.

Senator GRAMM. It seems to me, Mr. Chairman, that what we have here is a case of where our authorizing legislation is simply catching up to the new reality that we find ourselves in.

It is somewhat paradoxical that we are here discussing this matter just moments after the Senate voted to table a motion that was aimed at killing a reduction of the growth of Defense from 3 percent in real terms to zero in real terms.

Given an inability to table the amendment, it seems clear to me it is going to be adopted. What the final budget is going to be like, obviously, is still up in the air.

With the adoption of this amendment, we will have cut Defense growth from a 5.8-real growth, which was the Rose Garden agreement, to 3 percent in the budget submission in the compromise between the Republican leadership and the President, now down to zero percent real growth.

We are talking about zero-three-three, although I guess the prospects are that we may be looking at zero-zero-zero. Anybody who followed our markup here could see that if you look at all the pro-

grams that we have really unloaded to keep all the research programs that one member wanted and the C–17 that another member wanted and the list goes on and on, the reality is that all of these programs that we have invested R&D on since 1981 and 1982 are beginning to ramp up on us.

The reality is nobody is taking a good look at what the full implication of our authorization bill is. I don't claim to be expert enough to do that since I am a freshman member on this committee; and the only freshman on the committee.

But it is my guess in looking at the numbers and the ramp up that even with our three-three-three, we were talking about three-seven-nine, in terms of the implications of all of these programs that are getting ready to pop up, $200 billion to replace the force of helicopters, make new programs that we are making commitments on in terms of engineering have huge outlay implications in the out years.

The problem is that while we are squeezing down in the front, we are not doing anything to take care of this out year problem. We are still going along.

Everybody who has a political stake in a weapon system can say it is still in the budget. But the reality is that we are never going to be able to build these weapons with the kind of constraints we are looking at unless we get some out year savings to offset it.

My view is that the out year saving to offset it has got to be doing a better job of running the military.

Now, I am not going to ask you to make a speculation that you might not be in a position to make, that you may not want to make, but I would like to at least get you to say for the record what you believe the potential and long-term saving is from consolidation.

If we set out today with the idea, a fairly radical idea in the current context, the business of Defense is defense, you are not in the welfare business, you are not in the Davis-Bacon business, you are not in the Walsh-Healey business, you are not in the impact business, you are not in the job-creating business, you are in the business of keeping Ivan back from the gate.

Now, if you were going to run the Defense Department as a business with strictly that function in mind—I am not saying we necessarily want to do that, but, obviously, that is the direction we are going to be forced by budgetary constraints to move in—how many military bases do you think, in a thorough assessment with a reevaluation of our prospects for funding in the future, somebody under those constraints might look at closing?

Mr. KORB. I might say right now that of the 900 major bases in the United States, we would take a look at, not necessarily close, but take a very serious look at the economics of closing about 100 installations to see if we could move their missions someplace else.

Senator GRAMM. Now, out year savings, one of the problems we have. I have tried to dig up numbers. I have talked to people at CBO and OMB and people who make projections as long as you don't use their names.

It seems to me that one of the things we have to do if we are going to make this program work is that we have to close, initially, bases that are going to have fairly low front-end cost and quick re-

covery and use the savings we generate there to get into the larger savings area.

Could you give us a ballpark figure in terms of what you think we could save with that kind of base closure movement?

Mr. KORB. You wouldn't be able to close them all at once, but for every 20 bases, roughly, you could save about $500 million in annual operating cost.

If you multiply that figure by five, you have a reasonable approximation of the amount of money that could be saved with all of the closures completed.

Senator GRAMM. Let me ask you another question.

You are talking about $2½ billion?

Mr. KORB. That is correct.

Senator GRAMM. That is a continuing annual savings. You are talking about the present value of $2½ billion?

Mr. KORB. That is correct.

Senator GRAMM. In perpetuity?

Mr. KORB. That assumes that the international situation remains the same and the force structure remains essentially the same.

Senator GRAMM. Now, a final question.

Would that movement, given no change in the international situation, in fact, international problems could change to make you want to close more than 100, so it could move in either direction——

Mr. KORB. That is correct.

Senator GRAMM. Under the current threat you are saying we might be able to close 100 bases and save $2½ billion and that would not lessen our degree of readiness, would not lessen our ability to carry out our mission?

Mr. KORB. What I said was that we could take a look at about 100 candidates.

If we determined after a careful look that in fact, they could be closed, we would save about that amount of money. It would be very difficult for me to sit here and say, without the benefit of an analysis, that all 100 could be closed.

Those are the types of numbers we would be discussing if, in fact, this legislation is passed.

Senator GRAMM. Thank you, Mr. Chairman.

Senator BINGAMAN. Senator Levin?

Senator LEVIN. Thank you, Mr. Chairman.

I, too, am not a member of this subcommittee. I appreciate the opportunity to ask some questions.

The Washington Times today reported conversations between Secretary Weinberger and a number of undecided Senators relative to the question of a zero spending growth amendment that will be voted on today.

Are you familiar with the article?

Mr. KORB. I am familiar with the article.

Senator LEVIN. It represents that Secretary Weinberger suggested to them if they voted in favor of the zero spending growth amendment, he would close military bases in their State.

Do you know anything about that?

Mr. KORB. I know nothing about it. I can find no substantiation for that story at all.

Senator LEVIN. Were you there when he met with them?

Mr. KORB. No, I was not.

Senator LEVIN. Have you asked him whether that was asked?

Mr. KORB. I have not asked him directly, but I asked his staff because I knew I was coming here today. They told me that that is simply not true.

Senator LEVIN. Was the staff present when he had the conversation?

Mr. KORB. Not that I know of.

Senator GRAMM. If the Senator would yield, I was there. No such conversation occurred while I was there.

Senator LEVIN. Did he meet in one meeting with all of them or was there a separate meeting, more than one?

Mr. KORB. As far as I know, there was just one.

Senator LEVIN. That is the kind of article which raises the fears and the hackles of every elected representative. As I understand the origin of these protections against base closings, it was exactly that kind of political retaliation in the early seventies.

I may be wrong and we are checking. I wasn't around at that time. We are going to find out if in fact that wasn't the reason originally for some protection against exclusive executive power to close or realign bases.

It was that kind of threat and that kind of political pressure which was indeed the origin of this legislation.

Mr. KORB. Senator, if I might comment on that.

I was not around at that time, myself. But I am a student of that particular period, and to the best of my knowledge, in most cases bases and other military facilities are located in areas where there are strong defense supporters.

In fact, if we were talking about blackmail or political retaliation, it would not be against those people who are normally strong defense supporters.

I think the protections you refer to were an outgrowth of the major base closures announced in 1973 by former Secretary of Defense Richardson, closures which were very, very significant. I think Congress felt that they ought to be able to do more to stop that type of thing.

Senator LEVIN. Weren't they disproportionately located in certain States?

Mr. KORB. No, sir; they were not. The major closures with which I am familiary were in the State of Rhode Island. Senator Chafee had just completed his stint as Secretary of the Navy and was campaigning for Senator.

So, it did not do him much good.

Senator LEVIN. The fear of the exercise of untrammeled executive power is what led or what continues to fuel the support for the protections against base closings.

As I understand this amendment we have adopted in this committee, at least there are no standards for base closings in the amendment?

Mr. KORB. Well, we would provide the Congress the reasons----

Senator LEVIN. I understand. There is no standard in the amendment as to what guidelines are to be used when it comes to closing bases?

Mr. KORB. Any type of list would come up through the military chain of command to the Service Secretaries to the Secretary of Defense, and then Congress would have 60 days in which to act on this.

Given the way the Defense Department operates, if the military were opposed to a particular action because it did not make military sense, that would certainly be known around this town very soon.

Senator LEVIN. Would you agree there are no standards in the amendment relative to base closing?

Mr. KORB. There are no standards other than the standards that govern the way in which the Department operates.

Senator LEVIN. In the amendment, would you agree there are no standards relative to which bases are to be closed?

Mr. KORB. I would agree with that.

Senator LEVIN. Now, the cost of base closings are not required to be set forth in any appropriation or authorization bill because you can take money from what has been authorized for other purposes and appropriate it for other purposes and allocate it to the cost of base closings.

That gets to Senator Bingaman's question. You can, take money to reverse it a bit, put money in for a new dining hall at Fort Dix, and if you decide you want to close the base, you can use the Fort Dix dining hall money for some base closing.

Congress says we wanted a new dining hall at Fort Dix, the Defense Department comes along and says we want to close the base, and they can go ahead and use the Fort Dix dining room money.

It seems to me to be a wide latitude to be granting to the executive branch. Why don't you, if you are going to propose a base closing, set the cost of that closing in an appropriation or authorization bill so that we can judge the cost and benefit very simply?

Mr. KORB. If this legislation were to be passed, we would submit as a part of the 1987 budget the actual amount we would need to effect these base closures.

Senator LEVIN. That may be your intention, but under the amendment we have adopted in committee you could, without any authorization or appropriation for a base closing, take money for some totally unrelated military construction project and use it.

It seems to me that is a very broad bit of authority. It means there are no restrictions and we can't, therefore, judge the costs versus the benefits.

Would you support the requirement that any base closing cost be authorized and appropriated?

Mr. KORB. Let me make this clear. This legislation was not proposed by the Department. This is legislation that was introduced by the Senate Armed Services Committee.

We are supporting this legislation to the extent that it enables us to preclude recurrence of the things that prevented bases from being closed, and that did not involve using money from Fort Dix to close Fort Whatever.

Senator LEVIN. That is part of the amendment?

Mr. KORB. I understand that is how it could be interpreted. We would be happy to work with the Congress to ensure that we do

not use funds that you had appropriated for one place in support of activity at some other place.

Our intention would be to tell you up front what funds we needed for closing bases so that those funds could then be authorized and appropriated.

Senator LEVIN. Then we clearly understand that you would support an amendment which says that in order for funds to be used for base closing or realignment, that funds for that purpose or purposes must be specifically authorized and appropriated?

Mr. KORB. I would support that type of legislation, in principle, provided it did not give Congress the authority, after the 60-day period had elapsed or after the money had been made available, to prevent the closure or, for example, delay for 4 or 5 years our receiving the money we might need to complete the closure actions.

I think that what we need to look at is your receiving all the funds required over a period of time to effect the closure, as opposed to having to come back each year for the money. Usually it takes a couple of years actually to close an installation.

Senator LEVIN. You can authorize and appropriate all the costs on base closing in 1 year. You do that for a lot of programs.

Mr. KORB. If they were authorized that way all at one time, I would support that legislation.

Senator LEVIN. I think I have used my time.

Thank you, Mr. Chairman.

Senator GRAMM. Mr. Chairman?

Senator THURMOND. Senator Gramm?

Senator GRAMM. I would like to make one final comment.

I think the problem we are hitting on, the heart of this whole problem about base closing, that is, the Congress wants the Defense Department to function as a jobs program, it wants the Defense Department to function as a political extension of the Congress.

Any Member of the Congress is going to oppose the closing of a base in that Member's district. It would be a rare Senator indeed, even though he voted for zero growth rate today, it will be a rare Senator indeed who says:

> We don't really need this base in my State, they are not operating at 10 percent of capacity, go ahead and close it. I am against spending more money on defense and I want to prove it.

I can't wait to see that guy.

The reality is that unless you are going to give the Secretary the ability to run the Defense Department efficiently and then hold the Secretary accountable and hold the President accountable, none of these things is ever going to happen.

The same people who voted for zero growth rate defense are going to go on the floor 2 weeks from now and vote to keep Davis-Bacon, which is, in my opinion, tantamount to theft of the taxpayers' money.

They are going to vote against giving us the ability to close bases, because everybody wants to spend the money on something besides defense, but nobody wants to see defense cut in their district.

The problem, when you get into specific appropriation and authorization, is that anybody who has a base that feels like it might

be on the hit list is going to be under political pressure to deny that funding and deny that authorization.

Any proposal that gives discretionary powers is subject to abuse, but the problem is unless you give the Secretary power to be efficient, nobody is going to be efficient.

The beauty of this proposal is that: If you have a military base in your district—God forbid one should be closed in Texas, but it could happen—under this proposal, I have 60 days. So, I come up here and I say, "God have mercy. Don't close this base in Texas. We can get attacked from the south. The Russians are going to go after our leadership and you know they are going to attack Texas. We need this base."

Then I can go out and lie down in the street and the bulldozers are coming and I have a trusty aide there just as it gets there to drag me out of the way. All the people in Muleshoe, or wherever this base is, will say, "You know, Phil Gramm got whipped, but it was like the Alamo. He was with us until the last second."

The bottom line is the public interest will have been preserved. If you get into this problem of authorizing and appropriating efficiency, you cannot take politics out of it.

Sixty days, if you do a bad job, if you can't justify it, a guy who works hard and who believes in his case can probably whip you. But a guy who knows he is in the wrong to begin with is going to have a hell of a hard time overriding it. That is what I want to see happen.

Senator LEVIN. If you will yield on that for a second, I think that reflects a kind of distrust of the legislative process. We adopt priorities here in the entire defense budget. Everyone of us is defending our State and district as well as the national interest and some combination thereof.

I would bet you that people who voted to cut the President's request from 5.9 real growth to 3 percent real growth are also going to be voting against cutting bases in their district. It won't be just people who voted for zero real growth who oppose base closings in their State.

The people who voted for 3 percent real growth are also going to be against base closings. By your view of the political representative roll, they are going to be struggling as hard as zero budget, but it is wrong.

If they should be closed, they should be closed whether you voted for 3 percent real growth or zero growth.

Senator GRAMM. Let me reclaim my time.

First of all, at a 3-percent real growth in terms of any kind of management decision there probably would be bases that would not be closed with a 3-percent real growth.

Senator LEVIN. They should be closed.

Senator GRAMM. There is no absolute criteria as to what should be closed and what should not be closed. That depends on the amount of money you have.

If some guy comes before this committee and says: "Look, I wanted more money for defense," I may vote to close his base, probably will if he is not from Texas. But I am sure going to look on him a lot more favorably than some guy who comes up here,

cuts defense, votes against defense, and then says: "You are not going to cut anything in my district."

Finally, I want to make my final point and I will then be glad to let the chairman recognize you.

The difference here is that the burden of proof in an authorization markup, if I want to add money for a base in Texas, I am the only Texan on the committee, I have to make my case.

On the other hand, if there is already an installation in Texas, if there is a base in Texas, the whole process is rigged against anybody who wants to change that. That is the problem.

You know, I have perfectly legitimate concerns about politics, but I think that we face a dual threat. We have a deficit threat and we have a Soviet threat and they are both menacing. That means that the old business as usual buddy system around here just can't go on.

Senator THURMOND. Dr. Korb, the proposed legislation for base closure would streamline the legal procedures required for the Secretary of Defense to close a base if the Federal budget is in deficit.

It further provides the Secretary with authority to use military construction funds to design and construct necessary facilities to effect closings.

Are you familiar with the legislative proposal and does it provide you with sufficient legislative authority?

Mr. KORB. Yes; I am familiar with it and it does provide us with all the authority that we need.

Senator THURMOND. I believe you said it took 6 years to close some bases and you spent 6 years trying to close others and have not closed them yet.

Mr. KORB. That is correct.

Senator THURMOND. Although the Defense Department says it does not need them?

Mr. KORB. That is correct.

Senator THURMOND. The taxpayers have to support them?

Mr. KORB. That is correct.

Senator THURMOND. I think Senator Gramm made a telling point when he said that if you have to put the money in the appropriation bill, then you can provide the appropriation to close the base.

It seems to me that this provision is a very good provision. It takes it out of politics, no matter who the Secretary of Defense is or who the President is. It is well worth being considered by the entire Senate.

Previously the Congress was heavily involved in reviewing the Department's base closure decisions. These provisions purposely limit congressional involvement to a 60-day notice.

Would you describe the process and criteria you intend to use that will ensure objective and fair decisions by the Department?

Mr. KORB. Yes, sir. As I mentioned before, our primary focus in any realignment or closure is operational; in other words, what is best to ensure that we can carry out our mission.

Essentially, Service Secretaries would initiate feasibility studies to identify potential closure candidates. The Office of the Secretary of Defense would oversee the process to ensure compliance with applicable law and policy. The final decisions would be those of the Service Secretaries.

As I mentioned before, if this legislation should be passed, we would submit with our 1987 budget request a detailed explanation of how and why each candidate installation was selected.

At that time we would include, and I will furnish these for the record, information about something like 10 specific criteria that we will have considered, everything from mission requirements, impact on force structure, availability of new facilities, the potential to accommodate future contingencies, capital investment, budgetary implications, economic impact on the community, community support at the new location, environmental impact, all of the things that I think a good public servant should consider.

I think that would be the information Congress would need to make its judgment within 60 days.

Senator THURMOND. I believe those were set out in a letter from the Secretary of Defense to Senator Goldwater, dated April 1, 1985.

Mr. KORB. That is correct, sir.

Senator THURMOND. In other words, that tells us the criteria that you would use?

Mr. KORB. That is correct.

Senator THURMOND. Then it is just a matter of applying the criteria?

Mr. KORB. That is correct, sir.

Senator THURMOND. If the Defense Department personnel who are supposed to be expert on these matters, are supposed to be objective, can't handle this, then who can?

Certainly any member from that State would have pressure put on him to try to keep open any base that is being closed.

At the same time any members other than from that State, it seems, would follow the Defense Department.

Assuming the legislation takes effect on October 1, 1985, when would you plan to have a list of candidate bases for closure or realignment?

Mr. KORB. We would submit that list with our 1987 buget request which will come up sometime in January 1986.

Senator THURMOND. In other words, you make up your own list, but it would not be submitted. If Congress approved, we would get in the same debate we were talking about earlier.

Mr. KORB. If the legislation passes, Congress would have 60 days in which to respond to our list.

Senator THURMOND. After the legislation passes, then you would send up the list?

Mr. KORB. That is correct.

Senator THURMOND. In 60 days, and if anyone objected from any State, they would have the right to contact Defense and try to convince them they are wrong, if they can?

Mr. KORB. That is correct.

Senator THURMOND. When would you intend to submit your request to us?

Mr. KORB. We would submit it at the time we submit the list, and our intention now is to submit it, if this legislation passes, with the 1987 budget.

Senator THURMOND. Would you submit it in the way Senator Gramm was talking about? We would have a debate here in Congress if you asked for an appropriation to close a certain base, or

would you submit the total funding that you need to close these bases?

Mr. KORB. As I envision it right now, if the legislation passes as it has been written, we would submit a list of bases and tell you the amount of money it would cost us to close those particular bases.

Senator THURMOND. The Senator from New Mexico.

Senator BINGAMAN. Thank you, Mr. Chairman.

Senator BINGAMAN. Let me see if I can focus in on the difference that exists between Senator Gramm's proposal you are supporting here and another bill on the same subject that is pending in the Congress. This is Congressman Smith's legislation.

Are you familiar with that? It is H.R. 742.

Mr. KORB. Yes, I have a copy of it.

Senator BINGAMAN. Let me summarize this and then you can tell me if you disagree or agree with my analysis here.

Senator Gramm's proposal would do basically three things:

Waive NEPA with regard to any closure or realignment.

Waive section 2687 of title X—that would be the second thing it would do.

Third, it would grant total budgetary authority to the Secretary with regard to any closure or realignment.

I think Congressman Smith's legislation, on the contrary, is more limited.

It waives judicial review of NEPA.

Second, it waives section 2687 of title X for bases where the impact of the closing is less than 1 percent on the unemployment rate in that area.

Third, it does require DOD to go ahead and go through the authorizing and appropriating process, much along the lines that Senator Levin was talking about.

From your testimony, I take it that basically what you feel you need or the abuses you are trying to correct, the problems you are trying to correct, are really in items 1 and 2. You have problems complying with NEPA or getting the job done and still complying with NEPA?

Second, you have problems with section 2687 of title X?

Mr. KORB. That is correct. There are the primary areas. However, there is one problem we've had in the past that needs to be addressed, and that is that even if we could take care of the first two parts, NEPA and title 10, section 2687, somebody can always prevent us from getting the design or other money to effect the actual closing.

Somehow that needs to be addressed.

I'd like to elaborate on the comment I made to Senator Levin because I think this is the key difference, I did not envision our obtaining the funds for a facility that Congress had appropriated for construction at one place and using them to effect a closing someplace else.

On the other hand, if, as Senator Gramm has so eloquently pointed out, we go through the process of actually having Congress vote on the closings by voting on each specific amount, I think that that would just about put us back into the straightjacket we have been in.

Senator BINGAMAN. You are now saying that you do not want the Congress to have the authority or the ability to authorize and appropriate funds necessary for closing?

You want to have the authority to spend money that has not been authorized or appropriated for that purpose regardless of what Congress says?

Mr. KORB. I would like Congress to provide it in a package rather than by specific bases.

In other words, let us say, for purposes of argument, that we come up with a list and say it is going to require $1 billion out of a $10 billion construction bill to implement it.

I would like that $1 billion to be voted on as a block rather than piecemeal, such as $20 million for Fort X or $23 million for Camp Y because expecting to close bases through the latter approach, that is, having people actually vote on each specific base closure, is tantamount to expecting people to repeal the laws of human nature.

I agree with Senator Levin that we have to be very careful about taking funds the Congress has appropriated for projects at one place and using them someplace else. Somehow we have to work through those two things. Because if we actually force people to vote on each particular item, I don't know if we will expedite the process any more than it is expedited now.

Senator BINGAMAN. Are you saying that you do agree that the language that is being proposed here gives you more authority than you need, although to go with Congressman Smith's language doesn't give you as much authority as you need? Is that what you are saying?

Mr. KORB. The one concern I have with Congressman Smith's bill is that if, in order to close a base, we would need to move a function someplace else, and if through the authorization process we didn't get the design money, then we would still have to wait until we got that design money and then the construction money before we could effect the closure. This has happened in certain cases.

For example, in the case of Vint Hill Farms, in trying to move some of the activities there to Fort Meade, it wasn't an environmental issue that got us hung up; it was basically that the Congress turned down our request for design money to develop a new facility at Fort Meade.

So, in effect, we could not move out of Vint Hill Farms, which meant we kept it open.

Is that correct?

Mr. KORB. Now, whether, in fact, we would reprogram, I don't know. The specifics would have to be worked out.

Senator BINGAMAN. It is the 60-day notification which I gather means that unless we change this law—I am not exactly sure what law would change in the 60 days.

Mr. KORB. I don't think you would have to change the basic law. I think you would probably have to get the committee chairmen, as is done now, to write and say they don't think that certain aspects of our proposal make sense, and, therefore, that we shouldn't do certain things.

Senator BINGAMAN. That is not how I read this bill. It says:

The Secretary may close or realign any military installation without regard to any other provision of law that would prevent or delay such closing or realignment.

Mr. KORB. As I said, we favor an analysis of the bill by your counsel as well as ours. I believe that one interpretation would be that you would actually have to pass a law, that is, get a vote of both Houses to overturn a particular action. You would have to pass a bill.

Senator BINGAMAN. I don't want to belabor this too much. My problem is that we would have just passed one. We would have just passed an authorizing bill authorizing money for a new dining hall at Fort Dix and we would have just passed an appropriations bill, appropriating money for that dining hall and then on November 15 you or the Secretary would decide we want to close Fort Dix.

Then you would give us 60 days' notice you were going to close Fort Dix. You are saying now if we don't want you to do that, within 60 days we have to pass a law saying don't close Fort Dix.

Is that what you are saying?

Mr. KORB. A strict interpretation would be that there would have to be some action taken by the Congress.

I understand that one needs to look at extreme cases in order to clarify the issue. I doubt if we would have requested funds for Fort Dix during the budget process, knowing we were in the process of closing it.

You also deal with the political reality. Once we notify Congress, if a committee chairman tells us not to do something, normally we do not do it.

Senator BINGAMAN. You are saying that the political ramifications or possible political ramifications are what keep you from doing it, not the law if this amendment were to pass?

Mr. KORB. Well, if this law were passed and it were determined by the general counsels of the legislative and executive branches that, in fact, we could do something like that, then it would be permissible to do it. I will give you an example of something I was involved in.

The 1958 Reorganization Act gives the Secretary the power to consolidate things in the transportation area. It became very clear that the Secretary was about to sign an order directing a consolidation of the Military Traffic Management Command and Military Sealift Command. He was told that Congress was going to consider that action and would like to hold a hearing on it.

Technically speaking, he could have signed the order, but he did not because he wanted to wait until after the hearing. Congress then passed a law preventing us from actually consolidating.

Senator BINGAMAN. You are saying that some of the problems Senator Gramm is trying to deal with here, the political influence, are going to continue to exist regardless of what the law says, you are not going to do something politically that will cause great wailing and gnashing of teeth by at least certain people in the Congress?

Mr. KORB. That is normally the way the Government works. While we can obviously never get politics out of Government, no executive official is going to do something that antagonizes a powerful group in the Congress.

What would be operative here is the point made by Senator Gramm, and that is if we were closing Fort X and the only one concerned about Fort X was the Congressman from that district, he would have to convince his committee and his committee chairman to stop that action. The burden of proof would be on him.

Senator BINGAMAN. So, it is not Senator Gramm's concern about having any Congressman being able to stop it. You are saying any Congressman would not be able to stop it, just the ones with the interest in it?

Mr. KORB. That is what we want to prevent. The way the system is now, and Senator Gramm put it more eloquently than I did, everybody agrees that a particular action ought to occur, but it is politically impossible for the elected representative not to do all within his power to prevent it.

Right now it is easier for him to keep it open than for us to close it.

Senator BINGAMAN. I understand the point. It just strikes me that we are really saying let us pass a law here which only allows the politically influential Members of Congress to slow this process down and these freshmen Senators and Congressmen who don't have any clout, we don't want them to stand in the way.

Mr. KORB. I don't think so. If you take a look at the House situation, you see that the seniority system does not apply there in the House Armed Services Committee. You have had a change in leadership. The people who get these positions are elected by their constituents and, they have to be responsive to them.

What I am saying is that you need to have a system in which it takes more than one particular individual in the legislature to affect an action, that is, a system in which it takes a group. My understanding of the process is that when a group can convince the committee chairman that something is amiss, the committee chairman writes to the executive branch, and the executive branch requests that you stop doing a particular thing until it can be worked out.

Senator GRAMM. Would the gentleman yield?

Senator BINGAMAN. I will yield. I have used all my time. I yield back to the chairman and let him go ahead.

Senator THURMOND. Senator Gramm?

Senator GRAMM. The point I am making here is not that politics can ever be taken out of anything. The plain truth is that that is the business we are in.

The question is burden of proof. We have a tremendous problem. We have a budget deficit that is not going to go away by itself and I don't see any evidence that there is a stampede of people to deal with it.

I see every evidence that there is a stampede of people to cut the growth of defense. I see every evidence that the Soviet menace is not going away.

Senator HART. The vote has been going 48 to 50, 50 to 49, 48 to 50.

Senator GRAMM. It depends on where you are standing as the herd is moving whether there is a stampede or not. If you are one of the horses, it is not much of a stampede.

My point is that it seems to me in this new era that we find ourselves in, being on the Armed Services Committee is not going to be as much fun as it used to be. It makes sense to set a higher standard.

In direct response, and I kind of feel sorry for you in that you are being asked to explain and defend a proposal that is not yours, although you are doing a good job and I appreciate it, what I am talking about here is a higher standard. We can't take politics out of Congress. That is what Congress is about.

I am talking about a higher burden of proof on people. Obviously, if I am mean and nobody likes me and everybody likes you, you are going to have an easier time stopping the train from running over your foot than I am. But no law can ever change that.

If you are a committee chairman, you are going to have a lot easier time getting the committee to act or pass a law than if you are a Private Gramm in the Army. It is not fair.

My point is that we have to have higher standards and I don't see any way around this idea of closing bases.

I am through.

Senator BINGAMAN. Let me respond, if I can, Mr. Chairman, before Senator Hart goes into his questions.

I don't disagree with you about trying to raise it to a higher standard. I think there are some things that can be done to get some of the obstacles out of the way so that we can get more efficiency in this.

I am just trying to find out how the Defense Department is planning to implement this. I guess what I am hearing is that, regardless of what authority we give them, they are not going to do anything that offends the more influential Members of the Congress.

Is that a correct statement?

Mr. KORB. No, sir; we are not going to do anything that flies in the face of congressional direction. In the example you gave me, Congress had told us to put in a new facility at Fort Dix and then we had turned around and taken that money out of the budget.

I was describing the way in which we normally do business in the Defense Department after you pass a budget.

For example, the budget is passed and we come up with a new security concern because of some development in the world. We have a 21-day period in which to notify the committee, essentially the chairman, who, if he or she wants to remain as chairman, will caucus the members of the committee before allowing us to reprogram money.

There are thousands of reprogramming actions that take place every year, and a committee chairman who would fly in the face of the will of the committee would have a difficult time. I am trying to find a middle ground between a very good question Senator Levin asked me and the intent of Senator Gramm's bill.

What I am saying is that if during the 60-day period you did not have enough time to introduce a bill but you did convince the committee chairman that we had acted in a very dumb manner, I think that the committee chairman would let us know.

It is not a question of influence. What I am trying to describe is streamlining the process as we do on many issues. If, in fact, we fly

in the face of the will of Congress, to paraphrase a television commercial, we pay you now or we pay you later, and we do.

I gave an example where the Secretary did not exercise his authority under law because he knew what Congress would do.

Senator THURMOND. Regardless of who is the chairman, the chairman would take it up with the committee and the committee would decide.

At any rate, as I understand it, the purpose of this is to take it out of politics as much as we can. No one wants to give up his base. I would not want to see any closed in my State. If the Defense Department closes it, though, it is their right.

I might talk to them and see if they would reconsider it. If they didn't, that is it. Someone has to make that decision. Who is more objective to make it than the experts in the Defense Department who consider the whole Nation's defenses and where they need divisions, where they need Army posts, Air Force, Marine, and Navy bases.

Senator Hart?

Senator HART. Mr. Chairman, first of all, I apologize for missing the first part of this hearing. But I have heard enough after I came in to confirm my initial judgment this is not going to take anything out of politics, this is just going to change the political standards.

Anyone who seriously tries to convince the Congress that a system such as being proposed here by Senator Gramm and presumably the Defense Department is going to take this out of politics or reduce the political influence, I think just doesn't understand the Congress, or the Constitution, or anything else.

Anyone who thinks, under, let us say, the political makeup of the Congress today and the committees today, that the distinguished Senator from South Carolina, Mr. Thurmond, or the distinguished Senator from Arizona, Mr. Goldwater, is not going to have more clout inside the President's Defense Department on bases in their State than someone at the bottom of the table on the minority side isn't dealing with reality.

Whether or not the initial 22 bases affected by this decision accidentally or on purpose did not include any bases in those States that I mentioned, we will never know. But that is a fact. Therefore, there is a lot more interest on the committee in going forward with this policy proposal than there might have been otherwise if some bases in those States had been affected.

It seems to me the issue here is not only the political issue which is still going to be blatant and perhaps more blatant, the higher standard is going to be on the question of seniority starting with the party in power and then going right up the list.

That is the higher standard because the more senior you are, the more clout you have. That is going to have an enormous influence on whether bases are closed in those States or not. Anybody who suggests otherwise is not dealing in reality or truth.

On the other hand, it seems to me there is almost a constitutional issue as well. Who is given, under the Constitution, the authority to raise and finance armies and navies? It is the Congress.

The Constitution does not say anything about the Department of Defense; it says Congress.

The question of deciding to close bases is not a question of deciding to do it, it is a question of who is going to make the decision. As the Senator from Texas has said, who has the burden of proof? I think that is the question.

I have a lot of questions about one of the bases on this list. I have some questions about this as the former chairman of the Military Construction Subcommittee.

Even if Fitzsimmons Army Hospital was not on this list, but it happens to be, none of these questions have been answered. If this amendment goes though, I am going to have the burden of trying to get those questions answered instead of the other way around. That is the effect of the Gramm amendment.

I don't have the resources of the Defense Department. I can send a letter over there asking what is going to be the cost of closure of Fitzsimmons. It might be 6 months before I get an answer. That is not unheard of.

I might have a question about why a feasibility study is being done on closing Fitzsimmons when it has already been determined it ought to be closed. It might be another 6 months before I get answers to that.

In the meantime, the base has been closed.

The burden of proof ought to rest with the person who is proposing to take an action because that is the person who has the information. An individual Senator does not have this information, the Defense Department does, and the Defense Department can decide whether or not to make that information available in a timely way so that that Senator can go to his colleagues and try to make a case.

That is a tremendous source of power right there, how long it takes you to get information so that you can go out and make your case.

I think if the Defense Department is going to be in the business of making unilateral decisions, it ought to be in the business of defending those decisions instead of requiring somebody else who may not have the knowledge, to try to overturn it.

I think, frankly, instead of keeping politics out, you are going to engulf these issues in more politics than anyone has ever heard of. I think it will come back to haunt people who are today in positions of moving this amendment, defending it, if the political climate were to change, for example, and it may.

Finally, is the issue politically of retaliation, of a willfull President, not necessarily this one or the previous one, but a future one, or Secretary of Defense who is unhappy with a vote on MX or something else, saying, well, we will show that individual what happens when that individual votes against us on a key issue.

There are all sorts of stories going around that may be happening at this very moment. I pray and believe it is not. But it may well be, but that would not be unheard of either.

I guess, Mr. Korb, this monologue culminates in one question and that is: Why shouldn't the person who makes the decision have the responsibility of defending it?

Mr. KORB. I would like to comment, if I may, on the implications of your quesiton because I think they are fundamental to what we are discussing here.

The list of bases we provided at Senator Goldwater's request was illustrative of the types of actions that we could take. Senator Goldwater actually asked for something in Arizona. We couldn't find anything that made sense, given our operational considerations.

If you take a look at the number of Senators affected by that list, you see that there are 23 Republicans and 21 Democrats. So, any suggestion that that list was politically motivated and reflected anything other than the types of things we could do if we had the legislation I resent, that is untrue and I know because I worked on it.

What we are talking about, as I mentioned to Senator Gramm before you came in, is going back to the way we did business prior to 1977. As far as I know, prior to 1977 when President Carter signed the legislation that gave Congress much more power in these matters than they ever had, none of the situations you spoke about ever existed.

The 1975 defense construction bill contained a provision that would have given Congress a veto over base closures and taken that power away from the executive branch. President Ford vetoed the bill and his veto was upheld by the Congress.

As I mentioned to Senator Levin, I cannot envision the Defense Department's proposing that a base be closed for all the wrong reasons without the military services' letting the Congress and other people in town know about the proposal. And certainly within 60 days you would have time to react to it.

What we are tying to do is prevent what has happened in the past wherein the Defense Department would announce it was going to close a base, lots of people would become upset, and then 6 or 7 years later the base would still not be closed.

Or you would have a situation wherein Congress would pass from year to year legislation directing that a base be kept open for 1 more year.

As regards the Fitzsimmons Medical Center you mentioned, long before this base closure issue came up there was a letter from the Assistant Secretary for Health Affairs asking the Secretaries of the Army and Navy to take a look at the need for Fitzsimmons, given its age and the other things we are doing in the medical area.

Fitzsimmons was put on that list as an illustration of the types of things we could do. In other words, we are saying that in certain areas of the country we have more than we need in medical facilities and that some of these have gotten old and that maybe we ought to build a new hospital there or elsewhere.

As I mentioned before, that list is only illustrative. It is not an official list, but if, in fact, the legislation were passed, we would take a look before submitting the 1987 budget at the types of things that it made sense to do, given the amount of money that would be made available to close bases.

Now, I am not naive enough to think that the Defense Department or any other bureaucracy always responds to requests for information, but I know of no case in which information has been withheld from Senators or Congressmen who write in. We have a 4-day suspense on answering those letters.

I think the issue here is determining how we get rid of bases that everybody agrees we don't need in a way that makes sense. I would say that prior to 1977 we had a good system. Since the current law has been in effect, you have seen the results. We have had no major base closings since that law was passed.

Senator HART. The point you have made is that it is not an official list?

Mr. KORB. It is not. In fact, Senator Goldwater's insertion in the Congressional Record stated right on top that this is not an official list. We have not proposed it.

If somebody right here and now were to ask about the types of bases that we could get rid of, we could say, for example, that we have too much shipyard capacity, so here is an estimate of the money we might save by closing a shipyard.

Or we have too much hospital capacity or that certain hospitals are getting too old. Or here's how much we could save if we closed this particular hospital or built a new one.

We are constantly evaluating our base structure and constantly sending things up to the Congress.

For example, in December we notified Members of Congress that Gibbsboro Air Force Station in New Jersey, a very small station, would be closing. We constantly do these things.

What happened is that the closure package that President Carter sent up was harpooned by the legislation he signed the year before and so the bases that he and the Secretary of Defense and the military services wanted to close they could not close because of the process which allowed individual Congressmen or Senators, as Senator Gramm has pointed out, to prevent the closures from happening.

That doesn't mean his list was correct or perfect. But most people looking at it said that generally it would have made a great deal of sense to effect those major closings.

Senator THURMOND. Are there any more questions?

Senator BINGAMAN. Mr. Chairman, I wanted to ask for clarification.

You indicated you would like to go back to the way you did business before 1977.

Mr. KORB. I would prefer that to the way we do business now.

Senator BINGAMAN. Why don't we endorse repeal of 2687 of title 10 instead of endorsing something as broad as Senator Gramm's legislation?

Mr. KORB. Obviously, that would be preferable to the system we have now. Prior to 1977 when we had the Vietnam withdrawal, we simply closed a lot of bases. Now we are more in the business of transferring missions. Somehow we have to get around the present obstacles because people are using them to prevent things from happening.

Senator BINGAMAN. Before 1977 you still had to get authorization and appropriation——

Mr. KORB. To design and construct.

Senator BINGAMAN [continuing]. To go ahead and do things and you got a lot of proposals.

Mr. KORB. That is correct, we did.

Senator BINGAMAN. You are saying that now the requirement that you get Congress to authorize and appropriate the funds is not going to be adequate.

Mr. KORB. We have had some changes in terms of congressional involvement in the whole decisionmaking process which has grown tremendously over the last decade. Because of that it has become much more difficult to get design and construction funds.

To the best of my knowledge, in the major base closings presented by Secretary Richardson in 1973, nobody stopped them by denying the design and construction funds required to relocate the missions.

For example, there were extensive hearings held on closing the facility in the Naragansett Bay area, but nobody blocked the design and construction money for Norfolk where some of those vessels were moved. That was not a device that people used.

People have latched onto denying design and construction funds as another way to prevent closures from happening. Certainly if you are asking me if my alternative were the present system or pre-1977, I would prefer the latter.

Our main objective here is to be able to effect the economies which I think the Congress and the American people want in a way that makes sense. That is really what we are trying to accomplish here.

Senator BINGAMAN. Thank you.

Senator THURMOND. Any further questions?

Senator BINGAMAN. I have some I would like to submit for the record.

Senator THURMOND. All right.

Senator LEVIN. I have some questions for the record also, Mr. Chairman.

Senator THURMOND. Those may be submitted for the record.

We will leave the record open for questions by members of the committee.

Senator LEVIN. Could I ask one more question, Mr. Chairman?

Would you be satisfied with a provision which says that base closing proposals from the executive branch can come in with the budget?

Mr. KORB. Yes, I would.

Senator LEVIN. You would be satisfied with that?

Mr. KORB. Yes, I would be satisfied with that.

Senator LEVIN. And that money that is needed for the closing of bases should be authorized and appropriated?

Mr. KORB. I would like it in one account. I think it should be identified as a block in the construction budget so that we would not have to take the money out of particular projects that you have approved.

Senator LEVIN. Would you have any problem with that account being used for specified base closings and then having Congress identify in the authorizing and appropriations process which base closings that you request in your budget request is going to be authorized and appropriated?

Mr. KORB. Again, I would want to make sure that we could get a yes or no decision by the time the budget was passed.

Senator LEVIN. Part of the budget process?

Mr. KORB. Yes. I don't think we need to keep dragging these things out year after year.

Senator LEVIN. If you got that decision as part of the budget process, would you be willing to approach it that way?

Mr. KORB. Based on everything I know now, I think that would certainly make more sense than what we have now.

Senator LEVIN. Thank you, Mr. Chairman.

Senator GRAMM. Mr. Chairman?

Senator THURMOND. Senator Gramm?

Senator GRAMM. Since we are second-guessing each other here, let us just assume that we were at that point with 22 bases and you have 23 Republicans and 21 Democrats who will be directly affected. So, you are beginning a debate on this budget proposal where spending money is possible, with 44 people who are already against you.

Mr. KORB. I know that.

Senator GRAMM. So you have to come up with 51 people and they have to come up with 7. Now, I have been on the short end and long end of political contests, but that is exactly why this is a problem.

If you are going to go to appropriating, and I am not married to this language, if you go to an appropriated account, you have to separate it from the base closings. You have to get people to vote on the principle and not the practice.

Senator LEVIN. You have that on weapon systems.

Senator GRAMM. That is one of the reasons we have all these problems. Again, the burden of proof on the weapons system, if I have some super weapon built in College Station, TX, I have to convince the Congress to act.

Senator LEVIN. If they want to spend money on the base closings, it ought to be in this.

Senator GRAMM. If I have a base in College Station, TX, I have to fold my wings and wait.

Senator LEVIN. If I have a weapons system they don't want to fund, I would do the same as you.

Senator GRAMM. The burden of proof is on you to sell the weapon system. It is on them to override all of these road blocks and hurdles to close any military base.

I am not going to convince you, I know that.

Senator LEVIN. You might. Some obstacles you can get rid of.

What bothers me is the suggestion here that somehow we are going to remove things from politics. I have heard you say today the chairman of the committee could protect a base.

I have heard Senator Gramm say something that surprised me. He would look at the request to keep a base open from somebody who voted for zero growth very differently from someone who voted for 3 percent growth.

Senator GRAMM. Wait a minute. I said my heart would go out to him a little more.

Senator LEVIN. I was surprised to hear that one.

Senator GRAMM. Somebody who votes to cut defense should be willing to put their own defense out on the table.

Senator LEVIN. That is different from a base closing. They might be able to identify what weapon system should be cut on the merits. We ought to look at the merits of base closings.

That reminds me a little bit about the suggestion if you vote to cut the defense budget, we are not going to put certain B-1 bombers in your State. Wait a minute. Maybe the B-1 bomber should go in my State.

So, I look at the Secretary of Defense, he comes to my office, I say: "Would you locate the B-1 bomber in a State where you have a vote for a big increase in defense even though that was not the best place?"

He assures me he never would do that. But you tell me your heart is a little bit warmer.

Senator THURMOND. He is trying to get you to vote for defense.

Senator LEVIN. I am for defense. That does not mean I am for every weapon system or for every base.

I received a letter from Senator Tower a couple of years ago to name a weapon system in your own State, and I did it even though the implication of that letter, frankly, reflected more on us than it did on what the issue was.

Nonetheless, I have an obligation to identify where we make cuts in the defense budget consistent with the security of this country. That does not mean you are going to cut something in your State because the thing you build in your State may be essential.

Senator GRAMM. I am sure it will be if it is in Texas.

The pure idea of heart should have some strength in debating moral issues.

Senator HART. Some think education is a moral issue.

Senator GRAMM. Let the person find his own heart.

Senator THURMOND. I think we are getting off the track.

Senator LEVIN. I support the Chair.

Senator THURMOND. This discussion has been helpful. I really think it shows more than ever we have to have some objective source to close these bases.

I don't know any other source that ought to be more objective than the Defense Department. They know where they are, they know how they are used. When they say they don't need them, why should the taxpayer support them?

At any rate, I want to thank all of you for your appearance here and your testimony and your questions. The discussion has been helpful.

Is there anything before we close?

Senator BINGAMAN. Mr. Chairman, on the questions we are submitting for the record, if we could get responses in 10 days so that we can use them in debate on the issue when it comes up on the floor, that would be a help.

Mr. KORB. We will do our best. Just don't cut any more OSD staff.

Senator THURMOND. The main thing I think we need to do is establish a principle for closing these bases and let the chips fall where they will, regardless of which Member of Congress it affects.

[Questions with answers supplied follow:]

Questions Submitted by Senator Carl Levin

Senator Levin. Provide a list of military bases in relative priority to their importance to national security?

Answer. In its fiscal year 1986 report, the Senate Armed Services Committee tasked the Secretary of Defense to provide by July 1, 1985 a listing of all military installations in the United States showing the relative importance of the installations to Defense Department missions. The Department is in the process of responding to this request.

Senator Levin. If Congress is willing to pass a more modified amendment than the current Gramm amendment to expedite base closings, what provisions do you consider to be essential?

Answer. The Gramm amendment contains the minimum provisions needed to expedite the basing process under the emergency conditions in which the amendment would apply. Specifically, these are the authority to effect realignments and closures without regard to any other provision of law that would prevent or delay such actions, to include the waiving of restrictions on the disposition of real property and the use of funds; and the authority to design and construct facilities and to use available MILCON funds for such activities.

Senator Levin. Instead of eliminating all existing laws and regulations governing military base closings, are there any duplicative regulations or procedures that could be eliminated? If so, what are they?

Answer. Eliminating the redundancy among various legislative and regulatory requirements is a desirable administrative goal. Presently, for example, certain general provisions of the fiscal year 1985 Military Construction Appropriations Act (i.e., Section 109) and 10 USC 2687 restate requirements outlined in the National Environmental Policy Act of 1969. Despite its advantages, however, such an undertaking would not serve to expedite the realignment and closure process as would the proposed legislation. For this reason, the Department supports the Gramm amendment as presently drafted.

Questions Submitted by Senator Jeff Bingaman

PRESENT STATUTORY REQUIREMENTS

Senator Bingaman. Which provisions of law currently prevent or delay a closing or realignment? Which provisions affect real property? Which restrictions are contained in appropriations acts?

Answer. The legal requirements currently affecting base realignments and closures are mainly those of the National Environmental Policy Act (NEPA) of 1969 and Title 10 U.S.C., Section 2687. These laws impose notification and analysis requirements that introduce delay. Additionally, public and congressional involvement in these processes often delays and at times prevents the implementation of realignment and closure decisions.

The provisions affecting real property are contained in 10 USC 2662.

There are numerous statutory restrictions dealing with specific parcels of real property owned by the United States, such as those applicable to Fort DeRussy, Camp Pendleton and the Naval Academy Dairy Farm. To identify them all would require reviewing all appropriations acts, past and present, or requiring reports from the real property officer at each installation. The Department is prepared, however, to focus on the statutory restrictions applicable to specific sites about which the Congress may have questions.

NATIONAL ENVIRONMENTAL POLICY ACT

Senator Bingaman. With respect to the application of the National Environmental Policy Act (NEPA) to base closings and realignments:

What does the law now require with respect to the impact on the natural environment?

Answer. The procedures for complying with NEPA, including the provisions pertaining to economic impacts, are set forth in the Council on Environmental Quality Regulations (CEQR) 40 CFR, Parts 1500-1508. (Part 1508.8 concerns economic impacts.)

Senator Bingaman. What administrative or court decisions have extended NEPA to cover the "economic impact" of base closings?

Answer. No administrative or court decisions have held that economic impacts resulting from base closings trigger the NEPA process. The Department is not re-

quired to include the "economic impact" or "socio-economic impact" of base closures in environmental documents prepared pursuant to the NEPA unless such impacts would have an effect on the environment (40 CFR 1508.14). In fact, the preamble to the CEQ regulations considered the applicability of the regulations to base closures and determined that such things as the composition of the population and the level of personal income in a region do not trigger the NEPA process (43 Federal Register 55978, 29 Nov. 78).

Senator BINGAMAN. What actions would the Department have to take now in order to comply with the requirements of NEPA for base closing or realignment?

Answer. The actions the Department would have to take are outlined in CEQR, Parts 1500–1508.

Senator BINGAMAN. Under the committee's amendment, would the Department be freed of the responsibility to comply with every provision of NEPA even if a base closing or, more likely, a realignment or "base opening" would have an effect on the ecological environment?

Answer. According to the amendment, the Department would not be required to comply with the provisions of NEPA during the emergency conditions (i.e., President's Budget in deficit) under which the amendment would be applicable for base realignments and closures. It is not the Department's intent, however, to operate in violation of the NEPA. Environmental assessments would be conducted and, as appropriate, environmental impact statements would be prepared. In supporting the committee's amendment, the Department is trying to avoid having to defend in court every detail of a basing decision, and is seeking to expedite realignments and closures under the applicable emergency conditions.

Senator BINGAMAN. Is the Department supporting authority for relief from all aspects of NEPA?

Answer. As indicated above, the Department is not seeking to avoid its responsibilities under NEPA.

PRIOR BASE CLOSINGS

Senator BINGAMAN. Please list all Department announcements to close or undertake a major realignment of bases from January 20, 1981 to May 1, 1985.

Answer. There were no Departmental announcements of major base realignments or closures between January 20, 1981 and May 1, 1985.

Senator BINGAMAN. What savings have been achieved with the closing of installations in the past 5 years? What savings have been achieved through consolidations or realignments?

Answer. The savings information is as follows:

	Estimated annual savings
Army:	
Closures: None.	
Realignments: Aircraft maintenance moved from New Cumberland Army Depot, PA to Corpus Christi Army Depot, TX..	[1] $4,780,000
Ft. Indiantown Gap, PA was made a sub-post of Ft. Meade, MD	[1] $1,996,000
Navy:	
Closures: None of significance (focus has been on maximum use of current facilities with some expansion).	
Realignments: Some undertaken for organizational efficiency....	Not documented
Air Force:	
Closures:	
Duluth IAP, MN, (ANG unit remains; family housing held by GSA for disposal.....	Not documented
Hancock Field, NY (ANG unit remains; family housing in use pending GSA disposal.....	Not documented
Realignments: Establishment of Joint Surveillance System; partial result: closure of Duluth IAP and Hancock Field. Action still ongoing.....	To be determined

[1] In operating costs.

Senator BINGAMAN. Has the Department delayed or canceled any proposed base closure or realignment because of "political opposition"?

Answer. In his testimony before the SASC MILCON Subcommittee on May 2, 1985, Dr. Korb, Assistant Secretary of Defense (Manpower, Installations and Logistics), cited a number of examples in which implementation of a realignment or closure decision was delayed or prevented as a result of public or congressional intervention. Also, recently the inactivation of the 87 Fighter Interceptor Squadron at

K.I. Sawyer AFB, MI was delayed for 1 year because of studies required by language inserted into the 1984 Defense Authorization Act by political opponents of the inactivation.

USE OF FUNDS TO EFFECT CLOSURE OR REALIGNMENT

Senator BINGAMAN. What factors or criteria, if any, would the amendment require the Secretary to follow in determining whether to close or realign a military installation?

Answer. The amendment would not require the Department to use particular factors or criteria in identifying realignment or closure candidates. However, the Department routinely uses specific criteria in arriving at basing decisions. Those factors were cited in Secretary Weinberger's April 1, 1985 letter on base closures to Senator Goldwater. The detailed criteria used by the Military Departments during realignments and closures have been provided to the Congress previously. They are contained in a hearing transcript of the SASC Subcommittee on Military Construction and Stockpiles, dated August 9, 1978. The report is entitled, "Department of Defense Base Realinement Policy."

Senator BINGAMAN. Under the legislation, would the Department be required to follow any of the current statutory or regulatory requirements regarding the use of military construction funds to effect the closure or realignment of an installation "under the authority of this section"?

Answer. The Department construes the proposed amendment to mean that, under the circumstances in which the amendment would apply, the Department would be able to construct facilities to effect the closure or realignment of an installation notwithstanding the lack of specific authorization to construct such facilities.

Senator BINGAMAN. Would the Secretary be under any obligation to notify Congress of the source and the amount of funds which were diverted from the regular military construction budget approved by Congress for use in closing or realignment?

Answer. The proposed amendment would not require the Secretary to so notify the Congress. However, as a matter of policy and practice, the Department would inform the Congress when funds were so diverted for use in realignments and closures.

Senator BINGAMAN. If a project was authorized and funds appropriated for a specific project, and there was no notice, how would the Congress find out which funds and which projects were "diverted" so as to undertake the necessary design and construction?

Answer. As previously indicated, the Department would inform the Congress when such diversions take place.

Senator BINGAMAN. In your judgment, does the amendment provide that the Secretary has authority to use any of the funds which Congress has made available for military construction, regardless of the source?

Answer. The Department construes the proposed amendment to mean that, under the circumstances in which this amendment would apply, the Secretary would have the authority to use the MILCON funds appropriated to an individual Military Department to effect realignments and closures in that Military Department.

Senator BINGAMAN. Does the Department have access to funds for military construction other than funds which are appropriated by Congress? If yes, from what sources are these funds available?

Answer. The Department does not have access to other funds for military construction.

NOTICE TO CONGRESS

Senator BINGAMAN. Under the amendment, the Secretary is to notify Congress not later than 60 days before "any irrevocable action" is taken to implement a closure or realignment. How does the Department interpret the phrase "an irrevocable action to effect or implement a closure or realignment"?

Answer. The Department has determined that the following actions to implement a base realignment or closure are irrevocable:

1. Involuntary separation of civilian personnel.
2. Involuntary relocation of civilian personnel.
3. Award of contracts for construction or alterations or the acquisition of facilities.
4. Expenditures for equipment and supplies.
5. Removal/relocation of significant items of equipment related to the realignment from the losing installation.

6. Installation of significant items of equipment related to the realignment at the gaining installation.

7. Termination or award of contracts related to the realignment for the affected activity at the losing installation.

8. Award of significant contracts related to the realignment for the affected activity at the gaining installation.

These are in contrast to planning, programming and reporting actions that are revocable.

Senator BINGAMAN. Under the amendment, would there be only one notification for the entire installation 60 days before the first action, or do you see a continuing reporting requirement for each irrevocable action taken under the amendment?

Answer. Under the amendment the Department would make a single notification that a decision had been made to effect a realignment or closure. For 60 days following that notification, no irrevocable action, as described above, would be taken. At the conclusion of that period, unless a law were enacted to the contrary, the Department would proceed to implement the full range of actions necessary to effect the realignment or closure.

Senator BINGAMAN. For the 60 day notice requirement, do you interpret that to be 60 consecutive calendar days? If yes, what action would be taken if the Congress were not in session?

Answer. The 60-day notice is interpreted to be 60 days of continuous session of Congress. According to prior legislation regarding reporting requirements, continuity of session is broken only by an adjournment of the Congress sine die. The computation of the 60-day period would exclude the days on which either House was not in session because of an adjournment of more than three days to a day certain.

Senator BINGAMAN. To whom would the notice required under the amendment be provided?

Answer. The notice would be given to the President of the Senate and the Speaker of the House of Representatives.

Senator BINGAMAN. Do you believe that, under the legislation, you must wait for the expiration of the 60-day notice requirement before you could invoke the authority provided under subsection (b) of the amendment to begin to design and construct facilities?

Answer. Since the Department considers construction to be an irrevocable action, it could not be initiated until 60 days after the Congress has been notified of the decision to accomplish a realignment or closure. The same ruling applies to initiation of detailed design. However, initial design could be initiated as part of the realignment study in order to develop order-of-magnitude costs for various basing alternatives.

FOLLOW-ON CONGRESSIONAL ACTION

Senator BINGAMAN. If Congress, for whatever reason, did not agree with your decision to close or realign an installation that you had submitted notice pursuant to Congress to this emergency authority, what action do you believe Congress would have available to halt your initiative?

Answer. Since the amendment would supersede any provision of law that would prevent or delay base closures or realignments, the Congress would be required to enact specific legislation prohibiting a closure or realignment.

Senator BINGAMAN. If Congress agreed with your initiative to close or realign an installation, but disagreed with your construction plans for new facilities to accommodate the realignment, what action would we have available to us to halt any particular construction request?

Answer. Since the amendment would authorize the Department to design and construct such facilities as the Secretary of Defense determines are necessary to effect the closure or realignment, the Congress would be required to enact specific legislation prohibiting the construction.

AUTHORITY AVAILABLE ONLY IF BUDGET DEFICIT

Senator BINGAMAN. Why the need for authority to close bases that extends for two years after a budget deficit is submitted? Would this be an incentive for the President to continue to submit record deficit budgets?

Answer. The proposed amendment would grant emergency authority for two years to allow for the time normally required to design and begin to construct facilities at new locations. The incentive power of base closure pales in comparison to other economic pressures on the budget.

Senator BINGAMAN. Would you support an amendment to this provision that gave you this "emergency" authority only if the President submits a budget that is at least in balance?

Answer. The proposed amendment was designed to expedite the implementation of basing decisions and thereby accelerate potential savings to help compensate for a President's budget that is in deficit. This legislation should not be viewed as a vehicle to force a President to submit a balanced budget.

Senator BINGAMAN. Why tie this authority to any budget submitted by the President? If there is a recognition that base closing or realignment procedures need to be changed, why not just do it straight up? If there is a recognition that bases are inefficient, aren't they inefficient regardless of whether the budget is in deficit or surplus? Would you support an amendment to this provision striking the "trigger" regarding a budget that is in deficit?

Answer. The proposed amendment is tied to the President's budget as indicated because whenever that budget reflects a deficit, it is critical that potential savings be accelerated. It is especially during such periods that the Secretary of Defense needs the authority granted by the proposed legislation to realign or close installations expeditiously and efficiently. While the Department would not oppose an amendment to the committee's proposal removing the deficit trigger, the Department strongly believes that, as a minimum, there is a need for the amendment as currently proposed to address the deficit condition.

OPENING BASES

Senator BINGAMAN. Under the amendment, would the Secretary of Defense or any of the services have authority to expend military construction funds to open a new installation in the United States without regard to closure or realignment? If yes, would the Secretary of the Department have to wait until after the 60 day notice to Congress?

Answer. The amendment applies only to closures and realignments of military installations. Therefore, the use of construction funds would be limited to the construction of those facilities needed to effect such closures or realignments.

Senator BINGAMAN. Under the amendment, would the Secretary be able to open a new installation in the United States "to effectuate the closure or realignment"? If yes, would the Secretary have to notify Congress?

Answer. The amendment would not authorize the opening of a new installation.

Senator BINGAMAN. Would the Secretary be able to spend funds to open a new base without requesting the approval of the project through the authorization process or without requesting the appropriations for such a project?

Answer. As stated above, the amendment would not authorize the expenditure of funds to open a new base.

Senator BINGAMAN. Would the Secretary be able to open a new installation overseas?

Answer. The amendment would not authorize the opening of a new installation overseas.

Senator BINGAMAN. Under the amendment, would the Secretary of Defense have the authority to open a new installation in either the United States or overseas after notification to, but without the approval of Congress?

Answer. The amendment would not authorize the opening of a new installation in the United States or overseas.

BASE CLOSING LIST

Senator BINGAMAN. Were the criteria used to select the missions and installations on the joint Weinberger/Goldwater March 5 list the same criteria which the Secretary outlined in his April 1 letter to Senator Goldwater on base closings?

Answer. Yes, they are the same criteria.

Senator BINGAMAN. The legislation does not contain any criteria which the Secretary must follow, or even take into account, when making a decision on realignment or closure. But the Secretary's April 1 letter uses the same criteria as that required to be reported to Congress under 10 U.S.C. 2687. Is that coincidence, or does the Department believe that these factors are necessary in order to make an operational and economic determination of the appropriate force and base structure?

Answer. The primary factor governing base realignments and closures is military necessity. Therefore, the principal focus when such actions are undertaken is operational. This includes consideration of strategic as well as tactical, mobility and other operational factors. However, given the limitation on resources, the fiscal and budgetary implications of any basing proposal must also be examined. Consideration

of the ecological impact is required by the National Environmental Policy Act. And while anticipated local economic effects do not influence basing decisions, the Department must consider them so that responsive assistance can be provided to the affected communities through the President's Economic Adjustment Committee.

Thus, Defense will continue to consider all of these factors during realignment and closure deliberations, assigning weights to each as operational and other requirements dictate. The Department's objective in supporting the base closure legislation is to achieve an enviroment in which basing decisions can be pursued unimpeded by politically-inspired, parochial, public and Congressional challenges.

Senator BINGAMAN. Should cost-effectiveness be a concern? For example, should the Secretary be allowed to claim savings of $200 million by closing a single-mission base when the cost to effectuate that closing is $250 million?

Answer. Cost-effectiveness is now, and will continue to be, a consideration during realignment and closure deliberations. However, as noted earlier, operational necessity will remain the dominant consideration. In the example cited above, the only meaningful savings to be claimed are the net annual savings. These savings would be the savings that accrue annually beyond the point at which the one-time start-up costs at the new location are amortized.

Senator BINGAMAN. Would you support a provision that requires cost-effectiveness to be part of any provision to expedite base closing?

Answer. The Department now includes cost-effectiveness as a factor to be considered during basing deliberations. However, operational necessity must remain as the primary consideration governing realignments and closures.

Senator BINGAMAN. Should a reasonable amortization period be a factor to be taken into account?

Answer. The time required to amortize one-time closure costs is now, and will continue to be, taken into account during basing deliberations. The Department would object, however, to a provision of law that imposed specific amortization periods or required the Department to impose such a standard on the Military Services. the Department prefers to continue to afford the Service Secretaries the planning, programming and budgeting latitude they need to maintain a modern, effective force structure.

Senator BINGAMAN. The Department has stated repeatedly that this is a list of candidates only that could be closed. Does the Department have a list of bases that, in your judgment, should be closed regardless of the procedures involved?

Answer. The Department is prepared to propose a substantial base closure list should expediting base closure legislation be enacted and funds added to the Defense budget to finance upfront closure costs. To analyze various closure options, and make realistic estimates of construction costs at potential receiving locations would require six months of full-time work.

Senator BINGAMAN. For which of the 22 installations on the March 5 list, if any, has the Department begun the NEPA process?

Answer. Since the March 5 list was illustrative only, the Department has not begun the NEPA proces for any of the 22 installations.

Senator BINGAMAN. For which of the 22 installations on the March 5 list, if any, has the Department submitted any report pursuant to 10 U.S.C. 2687?

Answer. The Department has not submitted reports pursuant to 10 USC 2687 for any of the 22 installations.

Senator BINGAMAN. For which of the 22 installations on the March 5 list, if any, is the Department not now required under current law to comply with either NEPA or the requirements of 10 U.S.C. 2687?

Answer. None of the installations on the illustrative list would be exempt from the provisions of NEPA. Only Fort Ruger would be exempt from the provisions of 10 U.S.C. 2687 because of its limited number of civilian employees.

SAVINGS

Senator BINGAMAN. The Secretary's April 1 letter responding to the Chairman identified costs and savings associated with construction. For some of the Army installations, associated savings are shown in the O&M and other accounts. What are the anticipated savings in these accounts for each of the installations on the notional list?

Answer. The anticipated savings are as follows:

[In millions of dollars]

Installation and Account	*Savings*
Army:	
Fitzsimmons Army Medical Center:	
OMA(−)[1]	10.1
RPMA	4.4
HSC	26.0
CHAMPUS[2]	−17.6
AFH	1.7
	24.6
Fort Ruger: CIVPERS	[3].125
Fort Devens:	
OMA(−)	20.1
RPMA	12.8
HSC	7.9
CHAMPUS	−5.7
AFH	−9.9
	25.2
Cameron Station:	
OMA(−)	7.8
RPMA	4.2
Fort Wingate Army Depot:	
OMA(−)	3.0
RPMA	1.0
	4.0
Jefferson Proving Ground: OMA	3.0
Army Materiels and Mechanics Research Center	
RDTE	3.0
RPMA	1.0
	4.0
General Materiel and Petroleum Activity: OMA	1.0
Philadelphia Support Activity: OMA	1.0
Logistics Systems Support Activity: OMA	3.0
Navy:	
Naval Air Rework Facility Alameda: O&M (Navy)	31.0
Naval Hospital Oakland: O&M (Navy)	16.0
Camp Smith: O&M (Marine Corps)	2.0
Naval Station Seattle: (O&M (Navy)	9.0
Naval Shipyard Philadelphia: O&M (Navy)	57.0
Naval Complex Great Lakes: O&M (Navy)	54.0
Naval Air Station South Weymouth: O&M (Navy Reserve)	9.0
Naval Air Development Center Warminster: RDTE (Navy)	45.0
Air Force:	
Blytheville AFB: O&M + MILPERS [4]	41.0
Chicago O'Hare: O&M + MILPERS	7.0
McConnell AFB: O&M + MILPERS	43.0
W.K. Kellogg: O&M + MILPERS	2.0

[1] OMA(−): OMA less RPMA.
[2] Assumes Lowery AFB has no inpatient capability.
[3] Salaries of five full-time civilian personnel.
[4] MILPERS: Military personnel.

Senator BINGAMAN. How many military personnel do you believe will be reduced from the services by reason of the closing or realigning of the 22 installations on the March 5 list?

Answer. The number of military personnel reductions that would result from closing or realigning the 22 illustrative bases has not been accurately determined. To do so would require a detailed analysis of various basing options to include identifying new operational configurations at potential receiving locations, the resulting efficiencies and associated manpower savings. Rough approximations of potential mili-

tary personnel savings by Military Department are as follows: Army—580; Navy—2,600; Air Force—2,000.

Senator BINGAMAN. How many civilian personnel of the Department do you believe will be reduced by reason of the closing or realigning or the 22 installations on the March 5 list?

Answer. For the reasons cited above, the Department has not accurately determined the civilian personnel reductions that would result from implementing the basing actions on the illustrative list. Rough approximations by Military Department are as follows: Army—920; Navy—6,000; Air Force—80.

Senator BINGAMAN. How much money do you believe will be required to be spent "up-front" in order to effectuate the closing or realignment of the 22 installations on the March 5 list?

Answer. To implement the realignments and closures on the illustrative list, the Department estimates that about $2.5 billion would be required to finance the design and construction of facilities at new locations and to relocate people and equipment. That figure is an approximation because the specific installations to which missions would be moved should the basing actions on the list be implemented have not been determined.

CUTS IN MILCON PROJECTS

Senator BINGAMAN. As you know, the committee cut all of the fiscal year 1986 MILCON projects for the 22 installations on the March 5 list.

On April 1, the Secretary of Defense indicated that he was concerned that "programmed military construction at these installations not be cut simply because the installation appears on the notional list." The Secretary reiterated those concerns in his April 25 letter to Senator Goldwater regarding the impact of a budget freeze on defense.

Does the Department believe that all of the $229 million in projects which have been cut by the Committee should be restored?

Answer. Yes, the funds were requested from construction projects in support of essential, on-going mission requirements.

WEINBERGER'S APRIL 25 LETTER

Senator BINGAMAN. On April 25, Secretary Weinberger wrote Chairman Goldwater concerning the impact of a budget freeze. In that letter the Secretary indicated that the actions we have taken in the committee by going to 3 percent real growth have already caused significant damage, including:

"Eliminating all new construction at 22 bases, jeopardizing our efforts to provide decent living and working conditions for our troops, and proper maintenance facilities for our equipment."

How do you square requesting authority to close or realign installations when the Secretary said that the actions we have taken in committee will jeopardize the Department's efforts?

Answer. The legislative authority the Department seeks would streamline the realignment and closure process by removing the political and congressional impediments that currently delay or impede basing actions. Using that authority to realign or close installations would not be jeopardizing the defense effort, but would be in keeping with the Secretary's responsibility under the National Security Act of 1947 to provide for the effective, efficient and economical administration and operation of the Department.

Eliminating the funds for construction projects at the 22 illustrative bases, on the other hand, does detract from the Defense effort because the mission of each of these installations is essential. Those construction projects were requested to help sustain those missions. If the notional bases were to be closed, their functions would have to be performed elsewhere. Similarly, the supporting MILCON projects would be required for the new locations in addition to other construction required to absorb the displaced missions. If, as the Department intended, those bases are not to be closed, and funds for the cancelled MILCON projects are not restored, the missions of those installations will be adversely affected.

STATUS OF REAL PROPERTY

Senator BINGAMAN. Of the 22 bases on the March 5 list, do you know whether the United States owns the real estate to each installation in fee simple? If not, what restrictions, if any, exist on each installation?

Answer. The following is the status of the real estate of the bases on the notional list:

ARMY

All of the Army installations are owned in fee simple except for Fort Wingate whose land is held as follows: 21,813 acres withdrawn from the public domain and 307 acres on permit from other Federal agencies. Additionally, all land at Fort Ruger is ceded from the State of Hawaii, and when no longer required for military purposes, must be returned to the State in accordance with the Sand Island Act (P.L. 88-233). Under this Act, the State would have to reimburse the United States for any improvements in the land.

NAVY

Naval Air Rework Facility, Alameda: Fee simple.
Naval Hospital Oakland: Fee simple.
Camp Smith: 418.09 acres—fee simple, 1.64 acres—easement.
Naval Station, Seattle: Fee simple.
Naval Shipyard, Philadelphia: 904.09 acres—fee simple, .01 acre—lease.
Naval Complex Great Lakes: Naval Training Center: 1,005.51 acres—fee simple, .34 acre—easement. Public Works Center: 583.53 acres—fee simple, .28 acre—easement, 4.88 acres—lease. Great Lakes Hospital: 85.29 acres—fee simple.
Naval Air Station South, Weymouth: 2,133.25 acres—fee simple, 116.37 acres—easement, .88 acre—lease.
Naval Air Development Center, Warminister: 824.32 acres—fee simple, 81.49 acres—easement, 15.38 acres—lease.

AIR FORCE

Blytheville AFB: 2,092 acres—fee simple, 654 acres—easement.
Chicago O'Hare: 314 acres—fee simple, 38 acres—easement, 36 acres—lease.
McConnell AFB: 2,551 acres—fee simple, 508 acres—easement, 2 acres—lease.
W.K. Kellogg: 81 acres—lease.

Senator BINGAMAN. Of the 22 bases on the March 5 list, are you aware of any specific Federal legislative restrictions on the use or disposal of the property, similar to the limitations in law for Fort DeRussy, Hawaii?

Answer. The Department is not aware of any other Federal legislative restrictions on the use or disposal of the property of the 22 illustrative bases.

HOW "EXPEDITING" IS THE LEGISLATION REALLY?

Senator BINGAMAN. The Department has said that it needs this legislation to "expedite" closing some installations. However, under the analysis submitted by the Secretary of Defense on April 1 regarding the 22 installations, it takes a number of years to amortize the up-front costs, with or without the legislation. For example, of the 22 bases, on only 9 is the amortization period affected by the legislation. And of those nine, 4 shorten the amortization by only 1 year and the other 5 are shortened by only 2 years!

There is a question with respect to the allegation that the legislation will permit the Secretary to "expedite" the closings. According to the Secretary's April 1 letter, the legislation would not help time-wise to expeditiously close 4 of the 22 bases, the legislation would accelerate the process for recouping savings at 14 installations by only one year, and at 4 installations the expedited process saves only two years' time!

Answer. The Department supports the proposed legislation not so much because of its effect on amortization periods once basing decisions are implemented, but because the legislation would permit basing decisions to be effected more expeditiously by removing the impediments introduced by public and Congressional parochialism. The times shown in the letter assume no challenges to the Department's decisions. Experience teaches that challenges are always mounted.

SAVINGS FROM OTHER "GRAMM" PROVISIONS

Senator BINGAMAN. Dr. Korb, on a different, but related subject what savings does the Department estimate could be achieved from the enactment of the following provisions in the so-called Gramm amendment:

Davis-Bacon?

Compressed work under Walsh-Healy?

Monroney amendment for determining prevailing wages for blue collar employees of the Department of Defense? and

Authority to contract out?

Answer. Estimates of the potential annual savings are as follows:

a. Davis-Bacon: $150 million (based on exemption for DOD contracts of less than $1 million);

b. Walsh-Healy: Undetermined (but expected to enhance labor-management relations, improve competition);

Monroney: $25 million;

Contracting out: $75-100 million (in guard and firefighting functions initially).

Senator THURMOND. Thank you very much.

We now stand adjourned.

[Whereupon, at 5:30 p.m., the subcommittee adjourned, subject to the call of the Chair.]

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